

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No.
)	1:04CR10318-RWZ-ALL
ALBERTO TAPIA,)	
)	

MOTION TO DECLARE FORFEITURE OF BAIL

The United States of America moves this Court pursuant to 18 U.S.C. § 3146 (d) and Rule 46(e) of the Federal Rules of Criminal Procedure, to declare a forfeiture of the appearance bond executed by the defendant in the sum of \$10,000.00, including the cash security for bail in the amount of \$3,000.00 previously deposited in the Registry of the court.

In support of this motion, the government states as follows:

1. On October 13, 2004, the defendant was charged with one count of Bank Larceny in violation of 18 U.S.C. §2113 (b).
2. On October 25, 2004 bail was set at \$10,000.00 including the cash security for bail in the amount of \$3,000.00.
3. On January 13, 2005, the defendant failed to appear for a status report.

WHEREFORE, the United States respectfully requests, pursuant to 18 U.S.C. § 3146(d) that the court declare the defendant's appearance bond in the sum of \$10,000.00 including the \$3,000.00 cash deposit made by the defendant be forfeited to the United States Treasury in a separate account known as the Crime Victims Fund, pursuant to 42 U.S.C. § 10601.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

Dated: November 16, 2005

By: /S/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
John Joseph Moakley Courthouse
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CERTIFICATE OF SERVICE

I certify that on this day a true copy of the above motion was served by first class mail, postage prepaid, upon the attorney for the defendant at the following address:

Robert S. Sinsheimer, Esq.
Sinsheimer & Associates
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Suite 3501-06
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Dated: November 16, 2005

/S/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney